Amendments To The Drawings:

Applicant encloses herein New Drawing Sheet 7 which includes new drawing figure 2A.

Applicant believes that New Drawing Sheet 7 enclosed herein is in compliance with 37 C.F.R. § 1.84 and §1.121(d).

The attached New Drawing Sheet 7 includes new figure 2A. In Figure 2A, the view as disclosed in the specification of the vehicle approaching an observation station is depicted. No new matter has been added.

Remarks

This Amendment is in response to the Office Action dated **November 27, 2007.** Claim 2 has been amended herein, and new claims 3 through 21 have been added.

In the office action the examiner objected to the drawings citing 37 C.F.R. §1.83(a). The examiner asserted that the single optical input device for receiving both an image of an approaching vehicle and a driver must be shown in the drawings, or the feature must be cancelled from the claims.

In response to the objection to the drawings applicant has enclosed herein New Drawing Sheet 7 including new figure 2A. The support in the specification for new figure 2A is at minimum provided at page 4, line 6-8; page 11, line 8-11; page 13, line 20-25; page 20, line 26-29; page 27, line 6-9 and page 10, line 16-23 which states:

> The intelligent video/audio observation and identification database system will search and/or screen all vehicles entering into a security zone to identify information such as the license plate number, make, model, and type of vehicle along with a facial recognition optical image of vehicle occupants, the recording of the time, date, and place of entry into the secured zone and exit from the secured zone, and personal information concerning driver's license numbers, criminal records, driving records, and/or a comparison of a photographic image from a driver's license compared to the optical image obtained by the facial recognition camera.

Further support in the specification for new figure 2A is at minimum provided at (page 14 line 27- page 15 line 7) which states:

> In this regard, it is not required that the first optical input device 12 observe all relevant data related to a vehicle 70 and/or individual 56. For example, a first optical input device 12 may recognize a license plate 54, but due to the

alignment of the vehicle 70 with the optical input device 12, the side profile of the vehicle 70 may not be readily ascertained. As the vehicle 70 approaches and passes into the viewing area of additional optical input devices 12, a perpendicular observation alignment may occur where the side profile and loading of the vehicle 70 may be readily ascertained. It is therefore anticipated that the intelligent audio/visual observation and identification database system 10 simultaneously and continuously receives data from all input devices 12, 18 for processing for identification, observation, tracking, and identifying an individual 56 or vehicle 70. All input data may further be stored within a continuously evolving database 30.

Further support in the specification for new figure 2A is at minimum provided at (page 13 line 31- page 14 line 7) which states:

As a vehicle 70 approaches the checkpoint 52, the intelligent video/audio observation and identification database system 10 desirably employs a plurality of input devices 12, 18 to record images related to the vehicle 70 and its occupants 56. Optical input devices 12 may include cameras, digital cameras and charge-coupled devices such as disclosed in US 5182647 to Chang, the disclosure of which is incorporated herein by reference, video cameras, scanners and any other appropriate devices to record an image. The optical input device 12 desirably records a digital image for analysis by the computer 22. If the optical input device 12 does not record a digital image, the system 10 desirably includes a digital converter to convert the image to a digital format.

Further support in the specification for new figure 2A is at minimum provided at (page 13- line 4-8) which states:

The optical input devices 12 will then observe vehicles 70 and individuals 56 where the computer 22 will access internal databases 30, 62 and external databases to identify

the make and model of the vehicle, facial recognition of driver 56 and passengers, driver's license number, driving record, criminal history, expected load, and any other information related to the vehicle 70 and/or individual 56.

Lastly, support in the specification for new figure 2A is at minimum provided at the paragraphs on page 40 added in the amendment dated 8-31-07 which state:

The intelligent audio/visual observation and identification database system 10 may also be a method for identifying security investigations comprising:

a) establishing a security zone;

b) positioning at least one optical input device to observe the security zone;

c) connecting the optical input devices to a computer;

d) observing occurrences within the security zone and communicating the observed occurrences to the computer;

e) storing the observed occurrences within the computer to create a database for the security zone;

f) processing the observed occurrences within the computer as compared to stored or retrieved data available to the computer; and

g) issuing a signal to a security officer to investigate an occurrence.

The intelligent audio/visual observation and identification database system 10 may also be an apparatus for identifying a vehicle and likely driver comprising:

an optical input device;

a computer;

a database containing information;

and a display;

wherein said computer receives an image of an approaching vehicle's license plate from said optical input device, said computer searches said database and identifies information relevant to the license plate and identifies an expected driver of the vehicle;

and wherein said computer receives an actual driver image of said vehicle's actual driver from said optical input device, said computer compares said actual driver image

> with a prerecorded image of the expected driver and determines whether the actual driver image is substantially similar to said expected driver image.

For the above identified reasons Applicant respectfully asserts that no new matter has been added with respect to new Figure 2A presented herein. Applicant respectfully requests the examiner withdraw the objection to the drawings pursuant to 37 C.F.R. §1.83(a).

The examiner next rejected claim 2 pursuant to 35 U.S.C. § 102 (e) asserting the Zierden '294 patent.

Claim Rejections—35 U.S.C. § 102

The Office rejected claim 2, alleging the same to be anticipated under 35 U.S.C. § 102(e) by Zierden U.S. 6690294. Applicant respectfully traverses this rejection.

The Zierden '294 reference does not include a computer which compares an image of a driver with a prerecorded image of an expected driver, for issuance in real time of at least one investigation signal.

Zierden '294 at Column 3, Lines 43-48, states:

> Information obtained from the GPS system such as the imaging device's location, its speed and direction of travel are attached to the images and sent by the cellular telephone to an analysis center where the images are reviewed. At the analysis center the images of the vehicle are analyzed to determine whether a traffic violation has occurred, and whether a citation or citations should be issued.

Zierden '294 at Column 4, Lines 23-27, states: The computer 12 processes, stores, and transmits the images and geographic and audio data to an analysis center 20 via a cellular telephone 16.

Zierden '294 at Column 5, Lines 39-42, states: A (submit) key activates the cellular telephone 16 connected to the computer 12 which transmits the images and other collected data to the analysis center 20.

Zierden '294 at Column 6, Lines 41-48, states:

> Figure 2 illustrates the process of analyzing the images after they are received from the SPD Cam device 10. The images and other data are first received by a computer 21 at the analysis center 20. The analysis computer 21 displays the images on a monitor 22 to be reviewed by an operator 23, who is typically a police officer trained in the operation of the overall system and analysis of the data received from the SPD Cam device.

It is clear from the above that an officer at the analysis center is performing any and all comparison functions, and not a second computer, at the analysis center. It is also clear that a computer is not initiating the transmission in real time of at least one investigation signal to an officer. Therefore the rejection of the claims herein pursuant to 35 U.S.C. § 102 (e) over Zierden '294 is improper.

Applicant respectfully submits that claim 2 and claims 3-21 should be allowed because "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (*Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Applicant respectfully asserts that Zierden '294 does not teach, suggest, or disclose, every element of claim 2.

Applicant respectfully submits that since claims 3-21 are dependent on claim 2, which as presented above is not anticipated by Zierden '294, the rejections under 35 U.S.C. §102 are improper, and that the claims should be allowed.

In addition, with respect to 35 U.S.C. §102, the Federal Circuit has held that prior art is anticipatory only if every element of the claimed invention is disclosed in a single item of prior art in the form literally defined in the claim. *Jamesbury Corp. v. Litton Indus. Products*, 756 F.2d 1556, 225 U.S.P.Q. 253 (Fed. Cir. 1985); *Atlas Power Co. v. E.I. DuPont DeNemours*, 750 F.2d 1569, 24 U.S.P.Q. 409 (Fed. Cir. 1984); *American Hospital Supply v. Travenol Labs.*, 745 F.2d 1, 223 U.S.P.Q. 577 (Fed. Cir. 1984).

Applicant's claims herein are also not obvious over the Zierden '294 reference because Zierden '294 is specifically designed for a different "static time delay" purpose. Zierden '294 is directed to time delayed law officer enforcement activities at an analysis center, where an officer at the analysis center receives and compares pre-recorded and transmitted data to formulate a decision as to the issuance of a traffic citation, thus complying with criminal procedure and constitutional law/due process concerns.

In the applicant's invention herein the computer is recording and comparing a driver and/or vehicle image with pre-recorded data in real time, to identify a sufficient level of discrepancy between the observed images and the stored data to signal security or police personnel to initiate real time investigation in to suspected terrorist activities.

In the prior art Zierden '294 reference, the analysis center is static and data is delayed in time, during the receipt of prerecorded images. Contrary to the prior art, in applicant's invention the computer is active in real time to record data, retrieve data, compare and/or analyze data, to determine thresholds for similarity or dissimilarity related to the observed and recorded data and to issue investigation warnings. There is no reason why a person or ordinary skill in the art attempting to invent applicant's invention would look to the delayed time static recording and

data transmitting technology of Zierden '294 to provide assistance to obtain applicant's invention herein.

A person of ordinary skill in the art would not have looked to the Zierden '294 reference for assistance in inventing an observation system including the computer which is capable of recording, storing, processing, analyzing, comparing in real time vehicle driver and vehicle data discrepancies to issue warnings in real time to prevent terrorist attacks.

In fact, the Zierden '294 reference teaches away from the real time analysis of data and law officer involvement because Zierden '294 teaches use at a traffic signal where immediate law enforcement involvement is specifically not desired. In Zierden '294 the presence of law enforcement personnel at an intersection in real time would be both inefficient and would reduce the number of violations thereby reducing the effectiveness of the system.

Applicant's invention herein is not a combination of familiar elements in view of the Zierden '294 reference. The Zierden '294 reference does not suggest or articulate any reason why a person of ordinary skill in the art upon review of the reference would have obtained applicant's invention herein.

For at least the above-stated reasons, applicant's claims as amended herein are allowable over the prior art of record.

Applicant respectfully requests the rejection of Claim 2 herein be withdrawn and Claims 2-21 be reconsidered and allowed. Early action to that affect is earnestly solicited.

Should the examiner have any questions in this regard the examiner is cordially invited to contact the undersigned by telephone, facsimile, and/or email at the below identified addresses.

Should the Examiner have any questions concerning this Amendment, then the

Examiner is cordially invited to contact the undersigned by telephone, facsimile, and/or E-Mail at the below identified address. If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that the response herein requires the payment of additional government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

Conclusion

It is believed that claims 2-21 in the present application are in condition for allowance in view of the foregoing. Applicant respectfully requests reconsideration of the claims herein and that the rejections be withdrawn and the claims allowed. Applicant respectfully requests the Examiner to reconsider the claims herein which Applicant believes are in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

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